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## DOCUMENTS

### WASHINGTON'S FIRST CONSTITUTION, 1878

[*Continued from page 152*]

EIGHTEENTH DAY—JULY 1ST.

Convention met at 9 A. M. Quorum present.

Journal read and approved.

On motion of Mr. Andrews the Convention went into Committee of the whole on the article entitled "Legislative," with Mr. Steward in the Chair.

At noon the Committee rose, and Mr. President resumed the Chair, and the Chairman reported that the Committee had not concluded its consideration of the article and asked leave to sit again, which on motion of Mr. Steward was granted.

On motion of Mr. Hannah the Convention took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION

The Convention reassembled at 2 o'clock P. M.

The President presented to the Convention a communication from Wm. H. Bender, Chairman of the Walla Walla 4th of July Committee, inviting the members of the Convention to participate in the festivities on that occasion.<sup>13</sup>

On motion of Mr. Gilmore the invitation was accepted.

On motion of Mr. O'Dell, the Convention resolved itself into Committee of the whole, on the "Legislative" article—Mr. Steward in the Chair.

At half past four o'clock P. M., on motion of Mr. O'Dell the Committee rose, the President resumed the Chair, and the Chairman of the Committee submitted a report.

Mr. Steward moved that the report be adopted.

Mr. Eldridge moved to amend the motion to adopt, so that the amendments proposed by Committee of the whole may be acted on separately by the Convention—carried.

Adjourned.

<sup>13</sup> The invitation was written on the official letter-head of the City of Walla Walla, showing Miles C. Moore as Mayor and C. E. Whitney as City Auditor and Clerk. "We regret," writes Mr. Bender, "to say we are unable to procure carriages for your Honorable Body, they having all been engaged." The proceedings later show that the convention simply adjourned over for the celebration and resumed work as usual on July 5th. It is interesting to recall that when the constitution was framed in 1889, the convention assembled for organization on July 4th.

NINETEENTH DAY—JULY 2ND

Convention met—quorum present.

Rev. H. W. Eagan offered prayer.

Journal read and approved.

Mr. George from Committee No. 2, reported the article entitled "Finance."

On motion the report was tabled and ordered printed.

Mr. Dennison from Committee No. 1, reported the article on "Corporations"—tabled and ordered printed.

The amendments to the "Legislative" article was taken up and acted on separately.

Accepting the amendment fixing the pay of the members of the Legislature, striking out "\$4 per day and inserting \$3 per day," the vote stood: Ayes—Andrews, Bradshaw, Dennison, Emery, Henry, Hanna, Larrabee, Lacy and Wait. Noes—Eldridge, Gilmore, George, O'Dell, Steward and Mr. President.

After further amending the article it was adopted and ordered engrossed for its third reading.

Before engrossing for third reading Mr. Emery moved to strike out the following from Sec. 8, which provoked considerable argument.

"In all elections of Representatives, after such division, each qualified elector may cast as many votes for one candidate as there are Representatives to be elected in the district, or he may distribute the same, or equal parts thereof among the candidates as he shall see fit; and the candidates highest in votes shall be elected."

The vote to strike out stood as follows: Ayes—Bradshaw, Emery, George and Lacy. Noes—Andrews, Dennison, Eldridge, Gilmore, Henry, Hanna, Larrabee, O'Dell, Steward, Wait and Mr. President.

The vote upon Mr. Eldridge's amendment inserting the following in Section 8:

"But the Legislature may at any time after the year 1890, adopt the preferential system in the election of Representatives, and enact such laws as may be necessary to carry it into effect." The vote resulted as follows:

Ayes—Andrews, Dennison, Eldridge, Gilmore, Henry, Hanna, Larrabee, Lacy, O'Dell, Wait and Mr. President. Noes—Bradshaw, Emery, George and Steward.

At half past eleven o'clock, Mr. Steward and Mr. Dennison moved a call of the Convention, whereupon the burley Sergeant at Arms muzzled one of the consumptives and brought him in.

During the lull in the proceedings, Mr. Bradshaw asked the following for information: "As the gentleman from Idaho has the right of

the floor, whether or not, he has the further right to take the floor off with him?—decided that he had.

After adopting the amendments as made, the Convention took a recess until half past one P. M.

AFTERNOON SESSION

At half past one o'clock p. m., the Convention reassembled.

Quorum present.

The President presented the following communication:

To the President of the Constitutional Convention—Dear Sir:—  
“Being informed that the members of the Constitutional Convention contemplate a pleasure trip to Lewiston. The Walla Walla & Columbia River Railroad Company hereby tender to the members of said Convention, a free pass over its road from Walla Walla to Wallula and return. If you accept please notify us to that effect. Yours respectfully,

W. W. & C. R. R. Co.,  
Per E. F. BAKER, Agent.”

On motion the communication was received and the President instructed to notify the President of the Railroad Company that the Convention would accept the invitation at the close of the Convention.

On motion of Mr. Hanna the convention resolved itself into a Committee of the whole, on the article entitled “Administrative,” with Mr. Henry in the Chair.

At half-past three, on motion of Larrabee, the Committee of the whole rose and reported back to the Convention its report.

On motion the article as amended, was adopted, and ordered engrossed for its third reading.

On motion of Mr. Larrabee the Convention went into a Committee of the whole on the article entitled “Officers,” with Mr. Eldridge in the Chair.

As we go to press the Committee is still deliberating on this article.

TWENTIETH DAY—JULY 3RD

Quorum present.

Prayer by Rev. Mr. Boyd.

Journal read and approved.

Mr. Dennison from Committee No. 1, reported the article entitled “Judiciary”—the article was laid on the table, and ordered printed.

Mr. O'Dell sent up a resolution, tendering thanks to the people of Colfax, for their generous offer to furnish transportation, free of

charge, to the delegates of the Convention, from Colfax to Almota, on their proposed pleasure trip to Lewiston.<sup>14</sup>

On motion the resolution was adopted, and the President instructed to inform the good people of Colfax, the time of their acceptance of the invitation.

On motion of Mr. O'Dell the Convention resolved itself into Committee of the whole, and resumed consideration of the article entitled "Officers."

At half past eleven o'clock A. M., the article as amended, was adopted and ordered engrossed for its third reading.

Adjourned until Friday morning at 10 o'clock.

TWENTY-FIRST DAY — JULY 5TH

Quorum present. Journal read and approved.

On motion the Convention resolved itself into Committee of the Whole on the article entitled "Judiciary." The first section of the article was amended so as to read as follows: "The Court for the trial of impeachment shall be composed of the Senate. The House of Representatives shall have the power of impeaching all civil officers of the State for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On trial of an impeachment against the Governor, the Chief Justice of the Supreme Court shall preside. No judicial officer shall exercise his office after he shall be impeached until his acquittal. Before the trial of an impeachment, the members of the Court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in cases of impeachment shall not extend further than removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the State; but this shall not prevent the officer from being prosecuted, tried and punished in the Courts according to law."

The second section was amended so as to give to the Supreme Court "a general superintending control over all the inferior Courts, under such regulations and limitations as may be prescribed by law."

At 12 o'clock M. the Committee rose, and asked leave to sit again. The Convention took a recess until half-past one o'clock P. M.

AFTERNOON SESSION

Convention re-assembled at the appointed hour, and went into Committee of the whole to further consider the "Judiciary" article.

<sup>14</sup> The neighboring towns were all ambitious and anxiously sought a visit from members of the convention. The courtesy of free rides were offered on stages, railroad, and steamboats.

The first part of section Four reads: "For the term of four years, and thereafter, until the Legislature shall otherwise provide, the Judges of the several Circuit Courts shall be *ex officio* Judges of the Supreme Court. \* \* \* \*

This leaves the Supreme Court in the same condition as it was before.

All the members of the Committee who reported this article, stated that they were unanimously in favor of a separate Supreme Court, but thought they would not be warranted at the present time in embodying it in the Constitution.

This standpoint was taken on an economical basis, and after argument the Committee refused to amend so as to make a separate Supreme Court.

Section Eight reads, "In all causes submitted in the Supreme Court, and in all cases tried by the Circuit Courts without a jury, the judgment or decree shall be entered at the same term at which the causes are submitted."

At half-past five the Committee of the Whole rose, the President resumed the Chair, and Mr. Eldridge, Chairman of the Committee, reported progress, and asked leave to sit again.

On motion, leave to sit again was granted.

Adjourned.<sup>15</sup>

#### TWENTY-SECOND DAY—JULY 6TH

Quorum present.

Prayer by the Rev. Mr. Shields.

Journal read and approved.

Convention resolved itself into Committee of the whole to further consider the article entitled "Judiciary."

Part of Section Fourteen, reads as amended:

"Every Judge (Judge of the Supreme Court; and of the Circuit Courts,) shall, before taking his office, subscribe and file with the Secretary of State, a written pledge that he will not, during the term for which he was elected, or appointed, accept any office of profits or trust, except a judicial office under the government of the United States, or under any State of the Union, or any foreign power."

This provision has no particular legal effects. It is entirely a moral obligation.

If a Judge should violate the required pledge, and a legal question raised, and brought into the higher judicial tribunals for adjudica-

<sup>15</sup> On this day there must have been talk of two additional sections for the Declaration of Rights, as the Walla Walla Union of July 6, has an editorial about them showing that no man or corporation was to be allowed to own more than 640 acres of land. The editorial says the idea seems to have been to prevent a man "from exercising the right to get rich." The sections complained of were not adopted.

tion, the inevitable result would be an acquittal. But such a case, as it is only a pledge of honor, a moral obligation would cast such obliquity and shame upon the offender that a similar occurrence would not be known.

On motion the committee rose, reported progress and asked leave to sit again—granted.

Convention took a recess until half-past one P. M.

AFTERNOON SESSION

Convention re-assembled at the appointed hour, in Committee of the whole, to resume consideration of the "Judiciary" article.

Section 22nd was so amended as to constitute a County Court in each County, "which shall have such jurisdiction in matters relating to the estates of deceased persons, and to the persons and estates of minors, and persons of unsound mind, as may be prescribed by law." It has also civil jurisdiction, etc.

This abolishes the separate Probate Court existing at the present time within the Territory.

The following new section to the article was offered by Mr. Dennison, and on motion was lost.

"All judicial officers before entering upon their duties shall take the following oath or affirmation, to wit:

I, A. B., do solemnly swear or affirm that I will administer justice without respect to persons, and do equal justice to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as \* \* \* according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States, and of the State of \* \* \* so help me God."

On motion the Committee of the whole rose, the President resumed the Chair, and the Chairman of the Committee reported, and the Committee discharged from further consideration of the article.

On motion the report was tabled for future consideration of the Convention.

On motion the article entitled "Declaration of Rights" was taken from the table and acted upon.

Part of Section 8 as amended reads: "\* \* \*. The right of a trial by a jury of twelve persons shall remain inviolate in all criminal cases; but a jury in civil cases, in all courts, may consist of less than twelve persons, as may be prescribed by law; and the concurrence of three-fourths of the whole number of the jury shall in such cases be sufficient for a verdict; *provided*, that the right in all civil cases may be waived by the parties, in such manner as may be provided by law. Hereafter a grand jury shall consist of seven persons, and any five of whom con-

curing may find an indictment: *provided*, the Legislature may change abolish, regulate or re-establish the grand jury system."

Section 12 abolishes imprisonment for debt.

An amendment was sent up, giving power to imprison for debt when there was fraud etc. Argument on this amendment occupied the entire afternoon. The Convention was about equally divided in opinion. Much hauling, pulling and sharp shooting took place.

At half past four the Convention adjourned until 10 o'clock A. M. Monday.

#### TWENTY-THIRD DAY—JULY 8TH

Quorum present. Journal amended and approved.

Mr. Henry granted leave of absence on account of sickness.

Committee No. 3, through Mr. Leland, reported back the article entitled "Preamble."

On motion the report was laid on the table.

Mr. Emery from Committee on "Engrossed Articles," reported the following articles as properly engrossed, "Amendments," "Officers," "Administrative" and "Executive."

The Convention took up the article "Declaration of Rights," and again went into a lengthy discussion on the section, authorizing imprisonment for debt.

At quarter to 10 o'clock, on motion of O'Dell and Hanna, a call of the house was made, and the following absentees noted: Henry and Lacy—Henry was absent on leave. Mr. Lacy was brought in.

The following substitute to the section, was offered by Eldridge and adopted:

"No person shall be imprisoned for debt, except in case of fraud in contracting the debt, or of absconding debtors having means legally applicable to the payment of such debt or some part thereof."

The vote adopting stood: Ayes—Andrews, Bradshaw, Dennison, Emery, Gilmore, George, Larrabee, Steward, Wait and Mr. President.

Noes—Eldridge, Hanna, Lacy, O'Dell—Henry absent.

Mr. Lacy was granted leave of absence until half past one o'clock, P. M.

At 12 M. the Committee of the whole rose, reported progress, and asked leave to sit again—granted.

Recess taken until half past one P. M.

#### AFTERNOON SESSION

Convention re-assembled at the appointed hour.

Mr. Dennison offered the following as a new section to the article entitled "Declaration of Rights:"



"The right to hold any of the following offices in this State shall not be denied to any person on account of sex; anything in this Constitution to the contrary notwithstanding. That is to say: office of Notary Public, office of Commissioner of Deeds, office of County Clerk, office of Treasurer, of any county, city, town, or district, office of Clerk in the Legislature, Judicial, or Executive department, office in any institution of learning or institution for insane, deaf or dumb persons, office of Superintendent of Public Instruction, office of County School Superintendent, School Director or School District Clerk."

After amending by striking out "Judicial," the section was adopted.

Ayes—Dennison, Eldridge, Gilmore, George, Steward, Wait and Mr. President. Noes—Andrews, Bradshaw, Emery, Hanna, Larrabee, Lacy and O'Dell.

On motion of Larrabee the article entitled "Declaration of Rights" was ordered engrossed for third reading.

The article entitled "Judiciary" was taken from the table and acted upon.

After considerable discussion and unparliamentary wrangle, Section 22 providing for a separate Probate Court, was amended, cut up, blotted out, substituted, and after spending two half days, left just as it was originally reported. It was adopted by the following vote: Ayes—Andrews, Wait, Larrabee, Gilmore, Eldridge, Dennison, Bradshaw, Hanna, O'Dell, George, Lacy and Emery. Noes—Steward—Henry absent.

Larrabee offered substitute to Section 2. It was rejected by the following vote: Ayes—Larrabee. Noes—Andrews, Wait, Steward, Gilmore, Eldridge, Dennison, Bradshaw, Hanna, O'Dell, George, Lacy, Emery, and Mr. President.

Larrabee moved to strike out the same section. Ayes—Andrews, Bradshaw, Larrabee, O'Dell, Steward, and Mr. President. Noes—Dennison, Eldridge, Emery, Gilmore, George, Hanna, Lacy and Wait. Henry absent.

After further amendment to the "Judiciary" article, it was ordered engrossed for a third reading.

Adjourned.

During the afternoon session Hon. E. P. Ferry, Governor of the

Territory, was present and occupied a seat on the left of the Present of the Convention.<sup>16</sup>

TWENTY-FOURTH DAY—JULY 9TH

Quorum present. Prayer by Rev. McConkey, of the Episcopal Church.

Journal read and approved.

On motion of Mr. Larrabee, the article on "Legislative" was taken from the table and ordered printed for third reading.

Moved by Mr. George that the vote by which the article entitled "Judiciary" be reconsidered. Ayes—Dennison, Eldridge, Gilmore, George, Henry, Hanna, Lacy and Wait—8. Noes—Andrews, Bradshaw, Larrabee, O'Dell, Steward, and Mr. President—6.

Call of the house was ordered on motion of Larrabee and Andrews—Emery absent, and after being notified, made his appearance.

Leave of absence granted to Mr. Emery on account of sickness.

After amending the "Judiciary" article it was tabled and ordered engrossed for 3rd reading.

On motion of Bradshaw the "Preamble" was taken from the table and acted upon.

After making a substitution, and reading the 2d time, was on motion ordered engrossed for 3d reading.

On motion of George, the Convention resolved itself into a Committee of the whole to consider the article entitled "Finance," with Mr. Andrews in the Chair.

Mr. Abernathy offered an amendment to Section 3, exempting church property from taxation. On motion it was lost.

Committee rose, reported progress and asked leave to sit again—granted.

Convention took a recess until half past one o'clock P. M.

AFTERNOON SESSION

Convention reassembled at the appointed hour.

On motion the Convention went into a Committee of the whole, and further considered the article entitled "Finance."

During the deliberation of the article, quite an extended argument ensued on "double taxation," and exemption of taxes.

<sup>16</sup> Governor Elisha Peyre Ferry afterwards became the first Governor of the State and in his honor Ferry County was subsequently named. At the time of the Walla Walla Constitutional Convention, his name was often in the newspapers. The same paper that made the above record has an item about Governor Ferry having instituted a suit for \$10,000 damages against H. L. Blanchard, "nominal editor of the Democratic Press" for having charged the Governor with a corrupt use of the pardoning power. The outcome is not indicated, but no one ever succeeded in proving Governor Ferry corrupt in anything. The Walla Walla *Union* for July 27, 1878, praised the Governor for not listening to the wild and ill-founded cries for help from those fearing Indian attacks. He did use the Territory's power in two instances while there in Walla Walla, but was firm against rushing deeply into expense until the Indian danger was more urgent.

Hanna offered an amendment to the section on taxes, prohibiting the setting off of debts against the taxation of property—amendment carried.

In our opinion the section as it now stands does not prevent double taxation.

When it is read for the third time we will give the section in full.

The following new sections were recommended by the Committee:

Section 20th—"The Legislature may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created."

Section 21st—"The State shall never contract any debt for works of internal improvement, or be a party in carrying on the same."

Section 22nd—"No money shall be drawn from the Treasury for the benefit of any church, or religious societies, or religious or theological seminaries."

On motion of Mr. Andrews, the Committee of the whole was discharged from further consideration of the article.

On motion of Mr. Lacy the Convention adjourned.

The Governor was present and occupied a seat on the platform, with the President of the Convention.

TWENTY-FIFTH DAY—JULY 10TH

Quorum present.

Prayer by Rev. Mr. Boyd.

Journal read and approved.

Mr. Henry, from Committee on "Memorial relative to improving Snake river," submitted a draft of a memorial.

On motion of Mr. Dennison, the memorial was referred to Printing committee, with instructions to print.

On motion of Mr. Larrabee, the following motion was adopted, "Resolved, that an engrossing clerk be employed at \$4 per day, until the work of copying is completed. That the Secretary be directed to appoint a competent person." The Secretary appointed L. B. Noble.

Proceeding to the order of unfinished business the Convention resumed consideration of the article entitled "Finance."

The convention considered the amendments proposed by the committee of the whole separately.

To section 2 and 3 the following was inserted, "No set-off of debts against the assessed value of property shall be allowed.

On motion of Lacy, the article was engrossed for third reading.

Mr. Steward, from committee on engrossed articles, reported that the article entitled "Preamble" had been correctly engrossed.

On motion of Mr. Larrabee, the Preamble was put upon its third reading, and in passing it the vote stood:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy, Larrabee, O'Dell, Steward, Wait and Mr. President. Mr. Emery absent.

On motion a committee of six was appointed on Revision and Arrangements, as follows: Larrabee, Eldridge, Steward, Andrews, O'Dell and Bradshaw.

On motion of Larrabee, the article entitled "Distribution of Powers," was read the third time and passed unanimously.

On motion of Mr. Bradshaw, the article entitled Amendments, was read the third time and passed with same result as above.

On motion of O'Dell, the article on "Boundaries" was read the third time and passed unanimously.

On motion the following articles were read the third time and passed: "Administrative," "Executive," "Officers." On motion of Mr. Larrabee, the articles passed, severally entitled Preamble, Boundaries, Distribution of Powers, Administrative, Executive, Officers, and Amendments, were ordered printed.

On motion of Mr. O'Dell, the article entitled "Corporations" was taken from the table, read the first and second time, and the convention went into committee of the whole to consider the same.

At 12 o'clock m. committee of the whole rose, reported progress, and leave was granted to sit again.

Convention took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION

Convention reassembled at 2 P. M.

Mr. Lacy, from committee on contingent expenses, reported.

On motion of O'Dell, the report was adopted, and the President authorized to issue certificates for the several amounts mentioned in the report.

On motion of O'Dell the convention resolved itself into committee of the whole on the article entitled "Corporations," with Mr. O'Dell in the chair.

At 3 o'clock P. M. the Committee of the whole rose, the President resumed the chair, and the chairman of the committee reported amendments with a recommendation for their adoption.

On motion of Eldridge the amendments were considered *seriatem*.  
Adjourned.

TWENTY-SIXTH DAY—JULY 11TH

Quorum present.

Prayer by Rev. S. H. Young.

Journal read and approved.

Mr. George, from committee No. 2, reported as follows:

"The committee to whom was referred the matters of "navigable waters," "swamp lands," and "swamp and tide lands," report that they have had the same under consideration and report the same back to the convention without any recommendation.

Mr. George, from committee No. 2, reported the following articles, respectively, "Eminent Domain," and "The Rights of Married Women, and Exemptions," and "State Institutions."

On motion the several articles were laid on the table and ordered printed.

Proceeding to the order of unfinished business, the convention resumed consideration of the article entitled "Corporations."

On motion of Mr. Bradshaw, a call of the convention was had, and all the members found present except Lacy, Leland and Emery.

Mr. Leland, not having a vote, was excused, and Mr. Emery being absent on sick leave, the Sergeant-at-Arms was dispatched to bring in Mr. Lacy. After notification, he made his appearance. (He should have been fined.—Ed.)

Mr. Dennison moved to amend section 3 of the article entitled Corporations, by adding the following words:

"Laws also shall be passed regulating the liability of common carriers of passengers in cases of personal injuries, occasioned by negligence on the part of the carrier."

Adopted unanimously.

On motion of Mr. O'Dell, Mr. Lacy was granted leave of absence until half-past one o'clock, subject to the call of the convention.

Mr. Hannah moved that the following new section be adopted:

"The Legislature shall not have the power to establish or incorporate any bank or banking company, or monied institution whatever, nor shall any bank company or institution exist in the State, with the privilege of making, issuing, or putting in circulation, any bill, check, certificate, promissory note, or other paper, or the paper of any bank, company, or person to circulate as money."

After amendment it was adopted.

In the discussion of this new section, the general "Finance" question was brought up and dissected.

[In our humble opinion, the convention got into deep water when they "tackled" the principles of finance.—Reporter.]<sup>17</sup>

In the midst of the discussion, the convention took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION

Convention re-assembled at 2 o'clock P. M.

After further considering the article entitled "Corporations," it was tabled and ordered engrossed for its third reading.

The convention resolved itself into committee of the whole on the article entitled "Suffrage and Elections," with Mr. Lacy in the chair.

In deliberating upon this article, Mr. Wait offered a new section on "local option." In moving its adoption he supported his position in strong terms, and made a splendid speech.

Mr. O'Dell stood firm to the sentiments expressed in the section, and stated that he came to the convention pledged to support such an article. Mr. Dennison said that he liked the ring of the remarks of the gentleman who had just spoken, but could not support such a measure except as a separate article.

Larrabee and Andrews expressed themselves similarly. Andrews' constituents had canvassed the matter in his county, and had directed him to use his influence against the introduction of such a section into the Constitution.

On motion the new section was rejected.

The committee of the whole rose, reported the amendments and was discharged from further consideration of the article.

Report of the committee reported back to convention.

Adjourned.

#### TWENTY-SEVENTH DAY—JULY 12TH

Quorum present.

Journal read and approved.

Mr. Larrabee from committee on "Substitution and Revision," reported back the "Preamble" without change.

Mr. Leland read a draft of a proposed schedule for the three Northern counties of Idaho—Tabled and ordered printed.

<sup>17</sup> It will be observed that the editor of the paper and the reporter did not hesitate to inject their opinions into the official record. Editorials also gave advice but always in a respectful tone. In the issue for July 20, there appeared a poem entitled "An Exhortation," and addressed: "To the Members of the Constitutional Convention of Washington Territory, now sitting at Walla Walla, W. T." There are ten stanzas of quaint advice about laws and issues, ending with an eleventh stanza as follows:

"Ho! Gentlemen of Washington!  
List to a poor bard's tale—  
His honest counsel do not shun;  
And may your crops ne'er fail!  
Your deep'ning woods,  
Your swelling floods,  
And fields, and mountains blue—All hail!"

Mr. Steward from committee on "Engrossed Articles," reported that the article entitled "Declaration of Rights" had been properly engrossed.

Under the head of Unfinished Business, the Convention took up the article on "Suffrage and Elections," and the amendments reported by the committee of the whole were acted upon separately and adopted.

On motion the article was ordered engrossed for its third reading.

Female suffrage was once more brought up on striking out the word "male" before the word "citizen," and the Ayes and Noes were called for.

Mr. Eldridge proposed to amend the Section giving the right of suffrage to the people, by striking out the word "male."

The vote to strike out; stood: Ayes—Dennison, Eldridge, Gilmore and Wait.—4. Noes—Andrews, Bradshaw, George, Henry, Hanna, Larrabee, Lacy, O'Dell, Steward and Mr. President.—10.

Absent—Mr. Emery.

On motion the article was tabled and ordered engrossed for its third reading.

At 11 o'clock a. m. the Convention took a recess until half past one o'clock P. M.

#### AFTERNOON SESSION

Convention resolved itself into committee of the whole, and took up the article on "Education."

After amending the article, the committee of whole rose, and Mr. Lacy, chairman of the committee, reported the amendments and recommended their adoption.

On motion the committee of the whole was discharged from further consideration of the article.

Adjourned.<sup>18</sup>

#### TWENTY-EIGHTH DAY—JULY 13TH

Quorum present.

Prayer by Rev. Mr. Warren.

Journal read, corrected and approved.

Mr. Steward, from Committee on "Engrossed Articles," reported the following articles entitled, "Judiciary," and "Suffrage and Elections," properly engrossed.

Mr. Larrabee, from Committee on "Revision," reported amendments to the article "Declaration of Rights," and the regular order of

<sup>18</sup> While the members of the Convention rested over the Sabbath, their aspirations for the proposed statehood would receive an impetus by reading in the Saturday's issue of the Walla Walla Union, July 13, 1878, an article declaring that the Northern Pacific Railroad Company really intended to build its line over the Cascade Mountains from Puget Sound to the Columbia River. The announcement was made that W. Milnor Roberts, chief engineer of the company, for the announcement of the completion of the railroad over the Cascades." was then on his way to make the locating survey. The editor added: "God speed the day

business being dispensed with, the Convention proceeded to consider the report.

On motion of Mr. George, the amendment recommended by the Committee, striking out the following, " \* \* nor again be put upon trial for the same offense after having been once acquitted by a jury," was lost by the following vote: Ayes—Andrews, Bradshaw, Gilmore, Larrabee, O'Dell and Mr. President—6. Noes—Dennison, Eldridge, Emery, George, Henry, Hannah, Lacy, Steward and Wait—9.

On motion of Mr. Dennison, the Committee on "Revision" was instructed to superintend the final enrollment of the Constitution on parchment.

Mr. Larrabee gave notice that in two days he should move to reconsider the vote whereby the articles entitled "Corporation" and "Finance" were ordered engrossed for a third reading.

On motion of Mr. Larrabee the article on "Suffrage and Elections" was read third time, and the question being "shall the article pass," the ayes and noes were called as follows:

Ayes—Andrews, Bradshaw, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward and Mr. President—12.

Noes—Dennison, Eldridge and Wait—3. Passed.

On motion of Mr. Larrabee the article entitled "Judiciary" was read third time and passed.

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—15.

Proceeding to the unfinished business, consisting of the article on "Education," Mr. Larrabee moved the adoption of a substitute for the entire article.

On motion of Mr. George the substitute was laid on the table and ordered printed.

On motion of Mr. George the report of the Committee of Whole on the Educational article was also laid on the table.

On motion of Mr. Larrabee, the article entitled, "Eminent Domain and Property of the State," was taken from the table and read the first and second time.

On motion of Mr. Larrabee, the rule was suspended and the article considered in Convention.

After one amendment, on motion of Mr. Larrabee, the rules were further suspended, the article considered, engrossed, read third time, and passed by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore,



George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—15.

Noes—None.

Adjourned.

TWENTY-NINTH DAY—JULY 15TH

Quorum present.

Prayer by Rev. Mr. McConkey.

Journal read and approved.

Mr. Emery from Committee on "Engrossed articles" reported the article entitled "Legislative" properly engrossed.

Mr. Dennison, from Committee No. 1, submitted a substitute for the article on "Married Women and Exemptions," which was tabled and ordered printed.

Mr. Larrabee, from the Committee on "Revision," by unanimous consent reported an amendment to Section 8, of the "Declaration of Rights," so as to make it read as follows:

"No person shall be put upon trial for the same offense after having been once acquitted by a jury," \* \* \* \* \*

Motion carried and the article amended accordingly.

On motion of Mr. Larrabee, the vote by which the articles entitled "Finance" and "Corporations" were ordered engrossed for third reading were reconsidered.

On motion of Mr. Lacy the Convention took from the table the article on "State Institutions," which was read the first and second times, and the Convention resolved into Committee of the whole thereon, with Mr. Hannah in the Chair.

At 11 a. m., on motion of Mr. Eldridge, the Committee rose and the Chairman of the Committee, Mr. Hannah, reported amendments, and on motion of Mr. Andrews the report was received and the Committee discharged.

On motion of Mr. Larrabee, the Convention proceeded to consider the amendments recommended by the Committee separately.

On motion of Mr. Lacy, after considering amendments, the article was ordered engrossed for third reading.

On motion of Mr. Larrabee the article entitled "Legislative" was read third time, and the question being "shall the article pass," the ayes and noes were taken as follows:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—15.

Noes—None. Passed.

On motion of Mr. George, the article on Corporations was taken up by the Convention.

It was moved to add certain words to Section 6, specifying the liability of stockholders in joint stock companies and corporations.

Several substitutes were offered and before the question was decided the Convention took a recess until half-past 1 o'clock, P. M.

AFTERNOON SESSION

The Convention resumed consideration of the proposed amendments to the article on Corporations.

All amendments and substitutes to Section 6 were withdrawn, except the motion of Mr. Larrabee, which was to add the following words:

"The stockholders of all corporations and joint stock companies shall be individually liable for all labor performed for such corporation or company." The vote stood:

Ayes—Dennison, Eldridge, Hannah, Larrabee, O'Dell, Steward, Wait and Mr. President—8.

Noes—Andrews, Emery, Gilmore, George, Henry and Lacy—6. Absent—Mr. Bradshaw. The substitute was adopted.

On motion of Mr. Larrabee, the article was ordered engrossed for third reading.

The Convention resolved itself into Committee of the whole, and took up for consideration the substitute offered by Mr. Larrabee, to the article entitled, "Education," with Mr. Wait in the Chair.

At half-past 5 o'clock the Committee rose, reported progress, and leave was granted to sit again.

Adjourned.

THIRTIETH DAY—JULY 16TH

Convention met at 8 o'clock A. M.

Quorum present.

Journal read and approved.

On motion of Mr. Hannah, the Convention was resolved into a Committee of the whole on the article entitled "Education," with Mr. Wait in the Chair.

At 10 o'clock A. M., on motion of Mr. Eldridge, the Committee rose, Mr. President resumed the Chair, and the Chairman of the Committee, Mr. Wait, submitted the following report:

"The Committee of the whole, to whom was referred the article on "Education," have had the same under consideration and report it back with a substitute and recommend the adoption of the substitute."

On motion of Mr. O'Dell, the report was adopted and the Committee discharged from further consideration of the same.

On motion of Mr. Eldridge, the substitute was read first and second times, and the rules suspended requiring the same to be referred to the Committee of the whole.

On motion of Mr. Larrabee, the Convention proceeded to consider the article by sections.

After amending and substituting, the article was tabled and ordered engrossed for third reading.

Adjourned.

AFTERNOON SESSION

The Convention resumed consideration of the unfinished business consisting of the article on "Education."

Mr. Hannah moved the adoption of the following substitute to Section 13:

"Separate schools may be established for the children of colored races, but such schools shall not be inferior in any respect to other common schools."

The substitute was lost by the following vote:

Ayes—Dennison, Gilmore, George, Henry and Hannah—5.

Noes—Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—10.

On motion of Mr. Larrabee the article was ordered engrossed for third reading.

On motion of Mr. Larrabee the rules were suspended, and Mr. Emery, from the Committee on "Engrossed Articles," reported the following articles properly engrossed, "Corporations," "State Institutions," and "Finance."

On motion of Mr. Lacy, the article entitled "Corporations" was read third time and passed by the following vote:

Ayes—Andrews, Eldridge, Emery, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—10.

Noes—Bradshaw, Dennison, Gilmore, George and Hannah—5.

On motion of Mr. Bradshaw, the article entitled "Finance" was read third time and passed by the following vote:

Ayes—Andrews, Dennison, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—13.

Noes—Bradshaw and Eldridge—2.

On motion of Mr. Emery, the article entitled "State Institutions," was put upon its third reading, and passed the house by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—15.

On motion of Mr. Dennison the Convention took from the table the "Separate Articles."

On motion of Mr. Larrabee the rules requiring first and second reading and consideration in Committee of the whole were dispensed with and the articles considered in Convention.

On motion of Mr. Wait the following new separate article, No. 3, was added:

"It shall be lawful for the Electors of any County, municipal corporation, or precinct, not included within the corporate limits of any municipality, at any general election to prohibit, by a majority vote, the sale or disposal of spirituous liquors in less quantities than one gallon, except for medical or mechanical purposes. And the Legislature shall pass at its first session such laws as will carry into effect this article, if adopted."

On motion of Mr. Bradshaw the rules requiring Separate Article, No. 3, to be read first and second times and considered in Committee of the whole, were suspended.

Separate Article No. 1 was adopted by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—14.

Noes—Hannah—1.

Separate Article No. 2 adopted by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—14.

Noes—Hannah—1.

Separate Article No. 3 adopted by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Larrabee, O'Dell, Steward, Wait and Mr. President—12.

Noes—Henry, Hannah and Lacy—3.

The words "For Separate Article No. 3," and "Against Separate Article No. 3," on motion of Mr. Larrabee, were inserted in the article entitled "Separate Articles," whereupon on motion of Mr. Andrews, the article was ordered engrossed for third reading.

Adjourned.

THIRTY-FIRST DAY—JULY 17TH

Quorum present.

Journal read and approved.

Mr. Emery from Committee on "Engrossed Articles," reported the article "Education" properly engrossed.

Mr. Larrabee, from Committee on Revision made report as to the order of final engrossment of the several articles of the Constitution on parchment.

Mr. Larrabee from the same committee as above, reported back the article "Boundaries" without amendment.

On motion the report was received and the committee discharged from further consideration of the article.

Mr. Hannah submitted resolution expressing the sense of the convention in abolishing the present Indian Reservation system.

Mr. Larrabee submitted the following substitute which was adopted after being accepted by Mr. Hannah:

WHEREAS, The satisfactory solution of the relations between the Indian tribes of Washington Territory and the United States Government is assuming such importance in view of past and pending difficulties that not only the dignity of the United States Government is being compromised, but the immediate and future welfare of Washington Territory seriously injured and retarded;

WHEREFORE, We the Delegates elected by the people of Washington Territory for the purpose of framing a Constitution for a State Government in Convention assembled in the city of Walla Walla, hereby *Resolve*,

1st. The divided authority between the Interior Department and the War Department prevents that concert of action necessary for the establishment of a uniform policy in regard to the management of the Indians, and not only entails unnecessary expenditure of life, but of treasure at the same time.

2d. That the Indians themselves would prefer, with proper legislation in their behalf, to take up lands severally, in preference to submitting to the present Reservation system.

3d. That permanent peace can be preserved with the Indians, all tribal relations broken up, large areas of good lands thrown open to settlement, and large expenditures of money saved to the Government by the abandonment of the present Reservation system.

4th. That the attempt to perpetuate the Reservation system by the consolidation of the Indians upon fewer Reservations implies the use of a force equal to all of the entire United States Army in order to maintain peace upon our part of the frontier.

5th. That the minds of the Indians of Eastern Washington, Oregon and Idaho look to the small valleys in the mountainous regions in British Columbia as a safe refuge in case they are compelled to

submit to the present policy pursued in their management, in which event predatory raids may be made upon us for years to come.

6th. That with the change of policy towards the Indians, hereinbefore suggested, to maintain the laws and preserve proper relations between citizens and Indians, the present military force in this Territory is insufficient, from the fact that we will be liable to raids from small bands of Indians, already outlawed, who are seeking refuge in British Columbia in such localities that the authorities of that Government cannot exercise a remedial control.

*Be it Resolved*, That a copy of these resolutions be forwarded to the President of the United States, the Senate and House of Representatives in Congress, the Secretary of War and the Secretary of the Interior.

Mr. Bradshaw, by unanimous consent called from the table the article on "Suffrage and Elections."

Mr. Bradshaw moved to add to the first clause which gives the right of suffrage to a certain class of persons, the following words: " \* \* \* except Indians who have not severed their tribal relations."

After further amendment to the same section, the motion was lost.

On motion of Mr. Bradshaw the bill was laid upon the table.

On motion of Mr. Larrabee, the article on "Education" was read third time.

Mr. Larrabee asked unanimous consent to add a section fixing the salaries of officers—granted.

The salaries of officers were fixed by amendment as follows: Governor, per annum, \$1,500; Supreme and Circuit Judges, \$2,000, each per annum; Secretary of State, \$1,500 per year; State Treasurer, \$1,500 per year; Superintendent of Public Instruction, \$1,500 per annum; Circuit Attorney, not to exceed \$1,000 per year.

The article as amended was adopted unanimously.

Convention adjourned until 11½ o'clock P. M.

#### AFTERNOON SESSION

Convention re-assembled at the appointed hour.

Resuming consideration of the article entitled "Education"—the same was read the third time and passed.

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, George, Henry, Hannah, Larrabee, Lacy, Steward, Wait and Mr. President—13.

Noes—Gilmore and O'Dell—2.

On motion of Mr. Hannah, the proposition entitled "Swamp Lands" was taken from the table and referred to Committee No. 1.

On motion the rules were suspended and Mr. Emery from Committee on "Engrossed Articles" reported the article entitled "Separate Articles" properly engrossed.

On motion the Article on "Suffrage and Elections" was taken up.

The amendment proposed by Mr. Bradshaw at the forenoon session was withdrawn.

Mr. Larrabee moved to add a third clause to the 1st section of the article as follows:

3d. "Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization."

On motion unanimously adopted.

The article was adopted on its final passage as follows:

Ayes—Andrews, Bradshaw, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—13.

Noes—Dennison and Eldridge—2.

Mr. Dennison, from committee No. 1, reported the article entitled "Schedule."

On motion the article was laid on the table and ordered printed.

Mr. Lacy, from Committee on "Contingent Expenses," reported two bills to the convention and recommended their payment.

On motion of Mr. O'Dell, the report was adopted, and the President authorized to issue his certificate for the amounts.

Adjourned.

[*To be continued*]